

SUMMARY REPORT OF INVESTIGATION¹**I. EXECUTIVE SUMMARY**

Date of Incident:	April 12, 2017
Time of Incident:	9:45 am
Location of Incident:	XXXX N. Menard Ave, Chicago IL 60630 Beat XXXX
Date of COPA Notification:	April 13, 2017
Time of COPA Notification:	10:09 am

It is alleged that on April 12, 2017, off-duty Officer A was in a verbal altercation with his then live-in girlfriend Involved Individual A over the care of their shared child. During this altercation, it is alleged that Involved Officer A backhanded Involved Individual A causing her to fall into an entertainment center and strike her back against it. Involved Individual A called 9-1-1. Involved Individual A did not want to press charges. However, she did request that Involved Officer A leave the residence, and he complied. Involved Individual A later contacted the police again and reported the incident for documentation purposes. Involved Individual A denied being injured and refused medical treatment. Involved Individual A again stated that she did not wish to file charges.² However, Involved Individual A did participate in COPA's investigation into this incident. Ultimately allegations were served against Involved Officer A for both physical and verbal abuse during the altercation. COPA's investigation resulted in findings of not sustained, exonerated, and unfounded for the allegations against Involved Officer A.

II. INVOLVED PARTIES

Involved Officer #1:	Involved Officer A; Star #: XXXXX Employee ID: XXXXX DOA: XX/XX/04 PO Unit #XXX DOB: XX/XX/74 Male: Black
Involved Individual:	Involved Individual A, DOB: March XX, 1978 Caucasian Female

III. ALLEGATIONS

Officer	Allegation	Finding
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¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

² Summarized from the Original Case Incident Report, RD# XXXXXXXX, prepared by Involved Officer B, Star No. XXXXX. (Att. 6)

Involved Officer A	<p>1. On April 12, 2017, Involved Officer A engaged in a physical altercation with Involved Individual A and “backhanded,” that is struck, her with his forearm, causing her to fall backwards into a shelving unit.</p> <p>2. On April 12, 2017, Involved Officer A attempted to keep Involved Individual A from accessing a telephone to call 9-1-1 by blocking the entrance to the kitchen with his body.</p> <p>3. On April 12, 2017, Involved Officer A threatened to call the Department of Child and Family Services (DCFS) on Involved Individual A.</p> <p>4. On April 12, 2017, Involved Officer A verbally abused Involved Individual A by referring to her as “smart-mouthed” and directed profanities at her such as the word “fuck.”</p>	<p>Not Sustained</p> <p>Unfounded</p> <p>Not Sustained</p> <p>Exonerated</p>
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IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 8: Prohibits disrespect to or maltreatment of any person, while on or off duty.
2. Rule 9: Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

State Laws

1. 750 ILCS 60 Illinois Domestic Violence Act of 1986

V. INVESTIGATION³

a. Interviews

Digitally Recorded Interview of Involved Individual A⁴:

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁴ Attachment 39. Paraphrased but not verbatim except where indicated by direct quote.

The Complainant, Involved Individual A, and her domestic violence advocate came in for an interview with the Independent Police Review Authority (IPRA) on May 3, 2017. According to Involved Individual A, she and Involved Officer A had been dating for approximately eleven years. They share two children, ages seven (Civilian 1) and four (Civilian 2). The parties lived together until the incident and prior to that had been living together for approximately nine years. At the time of the interview, she was staying with her parents in Potosi, Missouri.

On April 12, 2017, the altercation began while Involved Individual A was up getting coffee. She asked Involved Officer A if he was going somewhere and he answered no. Later, she overheard Civilian 2 asking him where they were going and what was the surprise. She again asked Involved Officer A if they were going somewhere. He answered affirmatively but became “cold and snippy” towards her. She shook her head in disbelief and he reacted angrily to her shaking her head. She said, “it was a pretty simple question. I don’t know why you would give me two different answers.” He “snapped” and started yelling at her about having a “smart mouth” and how he would not tolerate that in his house.

Involved Individual A picked up the child and took him into another room. Involved Officer A followed them, demanding that she return the child to the table. Things became more heated. Involved Individual A told investigators, “First, he was trying to get to Civilian 2 and I was blocking him because he did not need to disrupt Civilian 2, he just needed to go back into the room and finish warming up [Civilian 1]’s food since that’s what he was doing.⁵” She blocked his path by stepping in front of Involved Officer A. She continued, “Mama bear kicked in and I wasn’t going to put up with it anymore.” “Things kind of went back and forth, he kind of got around me, and he went to grab Civilian 2 to pick him up and I said, ‘let him go’ and I hit his arms to get him off of [Civilian 2].”⁶

Involved Individual A told investigators, “I don’t know if I was trying to move in or trying to stop him. Um, at that point, Involved Officer A, he backhanded me, but he didn’t hit me with his hand. I think it was like his forearm that hit me,”⁷she stated. He swung his right arm backwards and out, striking her in the chest. She “flew backwards” into a wooden bookshelf, knocking various items off the shelf with her. She then slid off the wooden bookcase and landed on the smaller plastic shelf near it. That shelf broke beneath her weight. Involved Individual A told investigators that they were inexpensive Wal-Mart shelves.

“I was trying to swat his arms because of how he grabbed Civilian 2... by that time everything became so fast and physical,” she said.⁸ Involved Individual A further explained, “I think he was just trying to get me away.”⁹ Involved Individual A said, “I might have called him a ‘son of a bitch.’” She continued, “he was like, ‘you hit me,’ and I’m like are you kidding me, hello, I just flew back and landed on something. So, it wasn’t like I hit him like he hit me, it was more like I was swatting him to get away from my son. He hit me to get me out of the way.”¹⁰

⁵ *Id.* at p. 23

⁶ *Id.* at pgs. 23-24.

⁷ *Id.* at pg. 24-25.

⁸ *Id.* at pg. 29.

⁹ *Id.*

¹⁰ *Id.*

Involved Individual A continued, “by the time I got on my feet Involved Officer A was almost all the way to the kitchen at this time. He was blocking the kitchen, but I knew my phone was in there. Um, and you know again, not really willing to take his stuff anymore so I just dropped my shoulder, and I was getting past him. I don’t know if he stepped aside, if when I popped him with my shoulder that I popped him out of the way enough to get past him. I mean it’s a pretty small hallway and he pretty much takes up the entire thing. I was going to get past him, so he could stand in my way or not.”¹¹

Involved Individual A stated that she pushed past Involved Officer A and retrieved her telephone, called the police for assistance and disconnected the phone call. According to Involved Individual A, Involved Officer A told her, “if you call the police, your life is over too. I’m not going to be able to take care of these kids.” During the argument, Involved Officer A told Involved Individual A, “I’m going to call DCFS on you. You’re going to lose these kids. I’m going to throw you out.” At the time of the incident, Involved Individual A was under investigation by DCFS for inadequate supervision. Her psychiatrist reported her because she was concerned that Involved Individual A had left the children unattended on a number of occasions. In March of 2017, DCFS found that she had inadequately¹² supervised the children.

During the encounter, OEMC kept calling Involved Individual A back. She answered the phone but did not talk to the callers. She also accidentally placed a call to Civilian 3, a friend of Involved Individual A, who was alarmed by what she overheard and sent her text messages to make sure she was okay. Involved Officer A disengaged from the argument and went to go call his sergeant. The police arrived shortly after.

Immediately after the incident, Involved Individual A told responding officers that she did not wish to press charges. Involved Individual A did not receive medical treatment immediately after the incident. She went to the hospital for medical treatment two days later. She told investigators, “my head had been pounding from the arguing and stress. My back was hurting. Still hurt the next day.” There was no bruising, though the doctors suspected she may have had a concussion.

Involved Individual A told investigators that she sought the Order of Protection because she feared that once Involved Officer A knew about her formal complaint and how it would hamper his career, he would want to retaliate. Involved Individual A said that Involved Officer A possessing his badge and gun made her uncomfortable. While Involved Officer A never expressly or implicitly threatened Involved Individual A with violence, she stated that she was afraid of his intelligence, influence and ability to exact his revenge through other people. At the time of the interview, she stated that she would lift the Order of Protection if he would agree to allow her to move to Missouri.

Digitally Recorded Interview of Involved Officer A:¹³

¹¹ *Id.*

¹² See Attachment 51.

¹³ Att. 50. Paraphrased but not verbatim except where indicated by direct quote.

Involved Officer A gave a statement to the Independent Police Review Authority (IPRA). In his interview Involved Officer A recounted the history of the relationship and the events leading up the altercation on April 12, 2017. Prior to the incident, Involved Officer A and Involved Individual A had been romantically involved for nearly ten years, parenting two children together. They resided together at XXXX N. Menard for approximately eight years. Involved Officer A identified himself as approximately X'XX" and weighing XXXlbs. He described Involved Individual A as X'X and XXXlbs. They were never married. In the weeks and months immediately prior to the incident, Involved Officer A considered the relationship to be on the rocks. Involved Individual A and Involved Officer A went to family counseling in 2017 to address their relationship issues.

Involved Officer A expressed concern about Involved Individual A's ability to care for the children independently. In March of 2017, Involved Individual A was found to have inadequately supervised their children by the Department of Child and Family Services. She admitted to her psychiatrist that she had left the children unattended on a number of occasions. Her psychiatrist, a mandated reporter, contacted DCFS.

According to Involved Officer A, the altercation began while he was preparing breakfast for the children in the kitchen. He was planning a surprise outing for the children and did not wish to disclose the location aloud. When asked of his plans by Involved Individual A, Involved Officer A denied planning to go anywhere because the children were present. Involved Individual A became angry and said, "you don't have to fucking lie to me." Involved Officer A responded by telling Involved Individual A that she did not need to deal with them, that they could leave and go have a boys' day. In response, she picked up Civilian 2, jerked him out of the chair and brought him into the living room with his food in tow. Involved Officer A went to retrieve the child and put him back at the table.

Involved Individual A attempted to block him, chest bumping him and pushing him backwards while he tried to pick up the child. He described it as "she put her hands on my chest. She pushed me. She chest bumped me." He continued, "I turned away from her and she fell into the curio ... shelving unit." She fell into the bookshelf, then sat on the bookcase, causing it to collapse under her weight. After she fell, she jumped up and said, "you shouldn't have done that." When asked by investigators why he believed that she fell, Involved Officer A responded, "I didn't do anything that would cause her to fall."

Involved Officer A saw Involved Individual A on the phone with the police but did not interfere. She kept picking up the phone and hanging it back up. He told Involved Individual A, "if you call the police, I'm probably going to lose my job." He threatened to call DCFS on her because of her behavior, believing that he had a justifiable reason. When asked by investigators why Involved Officer A did not simply leave the home, he answered that he was afraid of leaving her alone with the children because of her history with DCFS. He also maintained that he was concerned for Civilian 2 because of the way she violently jerked him from the table. Involved Officer A believed that any harsh or profane language exchanged was in the normal course of an argument.

Immediately after the incident, Involved Officer A stated that he went outside, sat on the porch, and cried because his world had just come crashing down. A sergeant responded to the scene. Several officers went upstairs to check on Involved Individual A. Two officers stayed downstairs with him. At some point, an officer came down and told him, “she said you hit her.” He responded to that officer saying, “I didn’t.” The sergeant asked him to go inside and grab his firearms. Involved Individual A handed him his gun box. He gathered a few clothes then went out to Schaumburg to stay with relatives. He was unaware of anything that happened in the house after the police arrived.

COPA Investigator A presented the police report to Involved Officer A for review. COPA Investigator A summarized the police report as:

[T]he narrative states that you had an altercation over the care of the child in common. During that altercation, offender pushed victim with his arm causing victim to fall into an entertainment center, striking victim’s back on said piece of furniture....

Involved Officer A disagreed with that description of events. Specifically, he objected to the characterization that he “pushed her with [his] arm causing her to fall into an entertainment center.” He also denied attempting to block her access to her cell phone.

Involved Individual A obtained an Order of Protection two days later. Involved Officer A was put on administrative leave without pay. The protection order was vacated on May 25th of 2017, then Involved Officer A was reinstated. Involved Individual A attempted to relocate to Missouri, but the move was blocked by a court order. At the time of the interview, Involved Officer A and Involved Individual A shared custody of their children, with Involved Officer A having the children three to four days per week. They now live separately, approximately five minutes apart. Involved Officer A believed that Involved Individual A is still seeking to move to Missouri, but litigation is still ongoing in that regard. Involved Officer A described their relationship as cordial.

b. Digital Evidence

Photographs¹⁴ received from Involved Individual A on May 3, 2017, show a left-leaning broken shelf. The shelf appears to be a combination of wood and plastic, with plastic pillars and wooden shelves. At least one of the pillars is substantially broken with the interior exposed.

Audio Log: EV XXXXX-X¹⁵ is a digital recording of the call to OEMC at 9:40 AM. On the call, a panicked woman asks for a unit to be dispatched to XXXX N. Menard. The caller said to the dispatcher, “he is a Chicago Police Officer. He just hit me. And I need somebody here now.” The woman could be heard arguing with a male in the background. The caller tells the man, “you fucking hit me.” The man said, “you hit me.” The caller responded to the man by saying, “I didn’t hit you.” The man said “you yelled at me. You hit me.” The woman responded, “I did not yell at you, you yelled at me and you hit me and “throw me into the entertainment *inaudible* – it’s broken.”

¹⁴ Att. 40

¹⁵ Att. 26

There are several seconds of inaudible communication from the male and female. The woman said, "there was no reason for you to do that." The man said, ".... and is that a reason for you to yell at me." There were several more seconds of inaudible argument, then the woman said, "...you came up here and you *throw* me, you hurt me, you hit me." The man responded, "I fought back... Get my phone." The woman said again, "you hit me... look it, look it." Then, the call disconnects.

Audio Log: EV XXXXX-X¹⁶ is a digital recording of the call to OEMC at 9:46 AM. On the call, a man and woman could be heard arguing. The man said something that sounds like "I don't. I won't. You think you - *inaudible*- DCFS is coming to deal with you." The woman responded, "you hit me." The man said, "get off the phone, Involved Individual A." She responded, "I'm not getting off the phone, you hit me." Then, she said, "take your hands off of me." A child could be heard crying in the background. The woman said, "I'm not hurting you." The woman said, "I didn't do all of this, you did."

There are several more seconds of inaudible arguing back and forth. The man said, "you're looking for a way to a different case because you have a DCFS investigation against you." The woman said, "you hit me, Involved Officer A, you hit me." At 40 seconds into the audio, the man answered back "I pushed you out of the way." The woman kept insisting that the man hit her. The man said, "I pushed you out of the way to keep you away from the kids when you were being crazy." The woman said, "I've been mean but... I've been mean to myself so I don't need to say it to them. Look, ... *inaudible*." The rest of the tape is inaudible.

Audio Log: EV XXXXX-X¹⁷ is a digital recording of the call with OEMC at 9:47 AM. OEMC has called back after the previous call was disconnected. A child could be heard crying in the background. The man and woman were still arguing. The man said, "go get in the house." The woman said, "look at what you're doing to them." The man said, "after all of this is done I will get out too." Shortly after, the man said, "... you should have never smoked dope in the house. There's a lot of things both of us shouldn't have done." The woman replies, "I didn't do it in the house, that was outside." A few seconds later, the man said, "I didn't hit you, I pushed you out of the way because you were jumping on my... *inaudible*." The woman responded, "No, I wasn't. I was resting there and you threw me backwards." There was some inaudible conversation back and forth, then the woman said, "so you pushed me, that's okay too. You ... *inaudible* ... me on the entertainment center, you threw me backwards, that's what he gonna say," followed by, "I think we need to remove from the situation."

The audio is muffled by the sound of a child crying in close proximity to the phone briefly, then the woman said, "oh now I need to stop." The man could be heard faintly saying, "I told you...*inaudible*." There are several seconds of inaudible cross-talk. The man said, "Involved Individual A, you are wrong." The woman responds, "you're wrong." The man says, "you're a drug addict." She interrupted saying, "No I am not." He continued, "You refuse to get help. You are." She repeated, "I am not a drug addict." There is some cross-talk. The man continued, "Involved Individual A, I cannot allow you and I told you, you have the option of getting out of

¹⁶ Att. 29

¹⁷ Att. 30

the house. You don't pay for anything. You don't ... *inaudible*." The rest of the audio is difficult to hear.

Audio Log: EV XXXXX-X¹⁸ is a digital recording of the call with OEMC at 9:50 AM. The audio began with the child crying in the background. The man and woman could still be heard arguing in the background. The woman said, "you are doing this, not me." The man responded, "you're doing this." The woman argued, "*inaudible*... you did things the wrong way and it flew off the handle. You did it. *Inaudible*." There was some inaudible back and forth, then she said, "I didn't say it--- I didn't say it that way." He said something inaudible while mentioning the phrase "smart mouth."

She said, "I picked them up from the table and I left the room. You should have left me alone." He answered back, "I was cooking them breakfast." She replied, "they were eating. They was eating." He answered back, "no, they wasn't." The woman responded, "I picked them up and left the room. You came in and you started again. I left the room and you came charging in and I stood up. You pushed me, threw me into the entertainment center, and dragged him off ... *inaudible*..." The man interjected, "it didn't happen that way." "That is what just happened," she continued. The man responded, "you kept pushing me and I was trying to get him back in the kitchen to eat." She replied, "he was eating at the table. There was no reason for it."

Then, the woman said, "I removed him from you." He answered back, "remove him from yourself... you don't have any power." She replied, "you were yelling. You were screaming and calling me names." "You and he and I have no problems," the man said. She interrupted, "I know, look at how angry you are." "He responded, "I'm not angry." She repeated, "you were yelling and calling me names.... You just hit me" He could be heard faintly responding, "I didn't hit you," then louder, "You know what, you hit me. You hit me twice." She denied it, saying, "I pushed you out of the way to get my phone, so I could call for help."

Audio Log: EV XXXXX¹⁹ is a digital recording of the call to OEMC at 9:53 AM. On the call, the woman said, "I'm sorry, but you hit me." A few seconds later, the woman said, "you just called DCFS?" Later she said, "I love you, but I think I just need to move past ... *inaudible*." Then, she said, "stop saying whatever you want to... only god." Later, she said, "you shoulda never put your hands on me." The man said, "you know what, you are not a victim. You are as much a victimizer as you are a victim."

The woman responded, "so you can keep bullying me?" The male replied, "you know what, you have been bullying and lying and stealing and robbing and doing all kinds of nonsense the length of our relationship. You go out smoking weed and not taking care of your house yourself is not a good way to raise children. And you had to rely on me and I asked you to take care of yourself." She responded, "I tried, but I was dealing with postpartum depression." Seconds later, the woman said, "and you shouldn't have put your hands on me when I asked you to calm down." The man responded, "And you shouldn't have had a smart mouth. You shouldn't have spoken to me. You should have just let me feed the boys, get them showered, and ... *inaudible*." She replied, "I didn't say a word. I just shook my head and you said what are you shaking your head for. And

¹⁸ Att. 31

¹⁹ Att. 35

I said it's an easy question, I don't know why you would have lied to me with what's going on in my head. Because you said no, then you said yes." He said, "I didn't understand the question." She responded, "are you taking them out? That's not a hard question." The woman says, "I'm going. I'm going," and talking to one of the children before the call disconnects.

Audio Log: EV XXXXX²⁰ is a digital recording of the call to OEMC at 3:45 PM. On the call, Involved Individual A tells the 9-1-1 dispatcher that there was an incident at her house that morning and she would like a supervisor to come out because she was never given an incident report. She told the dispatcher, "I called because my ex-fiancée, baby daddy, my ex. Umm, we are having a bad breakup. Um, he is a Chicago Police Officer. Um, he basically physically assaulted me. Um, I did not press charges. Um, but there were a number of incidents that went on and I would like a supervisor. I was never given an incident report." She added, "I do not want the supervisor, the sergeant that arrived on scene. Because there is a little bit too much personal connection with the man that assaulted me. If he is the only one that is on duty, then I want his supervisor.... I had six police officers standing in front of me, and there was a lot going on, I felt somewhat intimidated, and now that I've calmed down, I realize that things did not go down the way they should have. Um, I need something to document that they were here and the reason why." The request was acknowledged and the call ended.

c. Documentary Evidence

Event Query Report XXXXXXXXXX²¹ from the Office of Emergency Management and Communication (OEMC) shows a call being placed to emergency services at 9:45 AM. The receiving OEMC member noted that the caller stated she was hit by a Chicago Police Officer. The caller did not provide any additional information at the time. The call-taker noted that the caller could be heard arguing with someone in the background before hanging up.

Event Query Report XXXXXXXXXX²² from OEMC shows a call being placed at 9:49 AM. To the call taker, the call appeared to be an open line call. The call taker noted a call had been placed from the same number earlier and left an address.

Event Query Report XXXXXXXXXX²³ from OEMC shows a call being placed at 3:49 PM on April 12, 2017, by Involved Individual A which is documented by **Audio Log: EV XXXXX**.

In a **Petition for Order of Protection, Case No.XXXX XXXXX**,²⁴ which documents the alleged incident that occurred April 12, 2017, at approximately 9:00 AM. In the Order Involved Individual A alleged that Involved Officer A then "hit [her] with his forearm into [her] torso" and she "flew backwards landing on the shelving unit, smashing it."

²⁰ Att. 37

²¹ Att. 9

²² Att. 58

²³ Att. 10

²⁴ See Attachments 16 and 17.

She alleged that he threatened her with calls to the Department of Child and Family Services (DCFS). She alleged that he pleaded with her not to call because he would lose his job and would not be able to take care of the family. She alleged that their older child pleaded with him not to call DCFS on her. Involved Individual A also laid out a ten-year summarized account of verbal and physical abuse, citing things such as “he has called me out of my name,” “a stupid little girl,” “a mistake that is unable to care for herself, “cannot handle being an adult.” She also alleged that he threatened to shut off her phone and car insurance.

Involved Individual A received medical treatment from Hospital 1 on April 15, 2017. Her **Medical Records**²⁵ indicate that she told her treating physician that she had been in a verbal altercation with her child’s father two days prior that turned physical. She told the physician that Involved Officer A pushed her into a bookshelf and she hit her head and back. Involved Individual A was seeking treatment for ongoing lower back pain and a headache. The medical records do not indicate any signs of trauma. The back exam was normal. There were no signs of tenderness or trauma on her head. CT scan and lumbar spine x-ray results were normal.

d. Additional Evidence

In an **investigative memo**²⁶, IPRA Investigator A memorialized the details of a call from Civilian 3 on May 5, 2017. In her call with the investigator, Civilian 3 stated during the incident, she had received a call from Involved Individual A. It was Civilian 3’s impression that she had been called by accident because it sounded like the phone was in a pocket or in a different place than the people talking. Civilian 3 recalled hearing Involved Individual A arguing loudly with an unknown male that she believed was Involved Officer A. She could not make out the words that were exchanged. Civilian 3 terminated the call and sent a text message to Involved Individual A to check that she was okay. Approximately thirty minutes later, she received a text message back letting her know that Involved Individual A was okay. She did not follow up the discussion with a call; however, several days later, Involved Individual A told Civilian 3 that she and Involved Officer A were arguing and he broke a shelf.

Civilian 3 stated that since the beginning of 2017, she noticed that Involved Individual A was unhappy and constantly nervous. It was her impression that Involved Individual A and Involved Officer A appeared to be arguing constantly.

VI. ANALYSIS

The burden of proof used in making fact findings is the preponderance of the evidence standard. Under the preponderance of evidence standard, conclusions are based on whether it is more likely than not that the conduct occurred as alleged.

Allegation 1 that on April 12, 2017, Involved Officer A engaged in a physical altercation with Involved Individual A and “backhanded,” that is struck, her with his forearm, causing her to fall backwards into a shelving unit in violation of Rules 8 and 9 is NOT SUSTAINED.

²⁵ Att.46

²⁶ Att. 42

Rule 8 prohibits disrespect to or maltreatment of any person, while on or off duty. Rule 9 prohibits an officer from engaging in any unjustified verbal or physical altercation with any person, while on or off duty. Striking someone in an unjustified physical altercation would be a maltreatment of that person in violation of Rule 8 and 9. Based on a thorough review of the evidence presented, it has been concluded that Involved Officer A did use force against Involved Individual A during a physical altercation. Involved Officer A insisted that the interaction was a push and not a strike. Involved Individual A admits that the physical force used came after she swatted at Involved Officer A's arms and blocked him from accessing their son. Involved Individual A further explained, "I think he was just trying to get me away."²⁷ Later, Involved Individual A also told her doctors that Involved Officer A pushed her into a bookshelf.

On the OEMC audio logs, a man who has since been identified as Involved Officer A says, "I didn't hit you, I pushed you out of the way." The woman now known as Involved Individual A responded, "No, I wasn't. I was resting there and you threw backwards." There is some inaudible conversation back and forth, then Involved Individual A says, "so you pushed me, that's okay too. You ... *inaudible* ... me on the entertainment center, you threw me backwards, that's what he gonna say..." In another audio, Involved Individual A said, "you hit me, Involved Officer A, you hit me." Involved Officer A could be heard stating, "I pushed you out of the way... I pushed you out of the way to keep you away from the kids when you were being crazy."

The question is whether Involved Officer A was justified in using any force against Involved Individual A. While the evidence seems clear that there was a physical altercation between Involved Individual A and Involved Officer A, we are left without a clear understanding of the nature of the contact. Throughout the audio, Involved Officer A insisted that he merely shoved Involved Individual A in self-defense and in defense of the children. Involved Individual A contended that the contact was a strike, not a push, and that it was unprovoked, though she accepts the possibility that it was a push, not a strike, too. There is also evidence that Involved Individual A was the physical aggressor at different points during the altercation, by her own admissions, including at the time of the contact by Involved Officer A. There is also clear evidence that Involved Individual A was the physical aggressor at different points during the altercation, by her own admissions, including at the time of the contact by Involved Officer A.

Here, Involved Officer A, in his interviews with IPRA, never acknowledged making contact with Involved Individual A during the altercation thus making it difficult to assess whether the contact was proportional and reasonable under the circumstances. At the same time, we cannot assume that his actions were disproportionate because of this omission. There is insufficient evidence to say whether or not the contact was reasonable and proportionate under the circumstances. .

Allegation 2 that on April 12, 2017, Involved Officer A attempted to keep Involved Individual A from accessing a telephone to call 9-1-1 by blocking the entrance to the kitchen with his body in violation of rules 8 and 9 is UNFOUNDED.

²⁷ *Id.*

Rule 8 prohibits disrespect to or maltreatment of any person, while on or off duty. Rule 9 prohibits an officer from engaging in any unjustified verbal or physical altercation with any person, while on or off duty. Using physical force to block someone's access to a telephone to prevent them from contacting the police would be a maltreatment of that person and unjustified physical altercation.

Based on the evidence gathered in this investigation and upon the statement of the witnesses, it is evident that Involved Individual A had access to her cellphone throughout the altercation. At 9:45 AM, Involved Individual A called the police herself and engaged in a conversation with OEMC personnel before the call disconnected. At 9:49 AM, Involved Individual A answered the phone when OEMC called her back. This happened again at 9:50 AM. That same morning, Involved Individual A also "pocket-dialed" Civilian 3, who ultimately disconnected the call.

Further, Involved Individual A testified that Involved Officer A was already on his way to the kitchen, where her phone was also located, when she dropped her shoulder to force her way into the kitchen to get her phone. In her efforts to get to the kitchen, she was unclear whether Involved Officer A simply moved out of the way and allowed her to pass or she forced her way through. In either event, she gained access to her phone immediately thereafter. At no time during her recounting of the incident did she allege that Involved Officer A intentionally tried to prevent her from getting to her phone. Involved Individual A, instead, alleges that Involved Officer A was in her way on her path toward the kitchen, which was also his same destination. COPA's investigation found no evidence that Involved Officer A intentionally attempted to prevent Involved Individual A from calling 9-1-1. Therefore, the allegations in Unfounded.

Allegation 3 that on April 12, 2017, Involved Officer A threatened to call the Department of Child and Family Services (DCFS) on Involved Individual A in violation of Rule 8 is NOT SUSTAINED.

Rule 8 prohibits disrespect to or maltreatment of any person, while on or off duty. Threatening to call the Department of Child and Family Services on someone for the sole purpose of harassing them would be an act of maltreatment in violation of Rule 8; however, if there is a legitimate child endangerment concern, then members of law enforcement are required by state law to report their concerns to the appropriate governing bodies.

Involved Individual A had a recent past of concerning behavior with regard to the care of her children that prompted her psychiatrist, a mandated reporter, to contact DCFS about Involved Individual A's behavior. Involved Individual A was found to be providing inadequate supervision to their children by leaving them unattended on multiple occasions. Involved Officer A expressed concern about Involved Individual A's behavior on the morning of the incident and other behavior following the initial investigation by DCFS. However, during the course of the argument, Involved Officer A stating that he would call DCFS was construed by Involved Individual A as retaliation for her calling the police. Although Involved Officer A may have had a legitimate concern, there is not enough evidence to conclude that he made the statement to Involved Individual A, in that moment, based on his concerns or as a threat to convince her not to call 9-1-1. Therefore, the allegation against Involved Officer A is Not Sustained.

Allegation 4 that on April 12, 2017, Involved Officer A verbally abused Involved Individual A by referring to her as “smart-mouthing” and directed profanities at her such as the word “fuck” in violation of Rule 8 is EXONERATED.

Rule 8 prohibits disrespect to or maltreatment of any person, while on or off duty. While Rule 8 extends to off-duty conduct, it is understood that the conduct captured by this rule is limited to the conduct in which an officer may be acting in an official capacity or otherwise representing the department to the public, not in interpersonal relationships between officers and their significant others in the course of their normal conversation or in the heat of a passionate exchange.

Additionally, both parties directed profanities and insults at each other. Involved Individual A admitted to calling Involved Officer A a “son of a bitch.” She can also be heard using iterations of the word “fuck” throughout the audio recordings. Similarly, Involved Officer A could be heard calling Involved Individual A a “smart mouth” in the background of the OEMC recordings. The use of profanity and insults by Involved Officer A was proportional to the use of profanity by Involved Individual A and does not rise to a violation of CPD Rules and Regulations.

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Involved Officer A	<ol style="list-style-type: none">On April 12, 2017, Involved Officer A engaged in a physical altercation with Involved Individual A and “backhanded,” that is struck, her with his forearm, causing her to fall backwards into a shelving unit.On April 12, 2017, Involved Officer A attempted to keep Involved Individual A from accessing a telephone to call 9-1-1 by blocking the entrance to the kitchen with his body.On April 12, 2017, Involved Officer A threatened to call the Department of Child and Family Services (DCFS) on Involved Individual A.On April 12, 2017, Involved Officer A verbally abused Involved Individual A by referring to her as “smart-mouthing” and directed profanities at her such as the word “fuck.”	<p>Not Sustained</p> <p>Unfounded</p> <p>Not Sustained</p> <p>Exonerated</p>

Approved:

COPA Chief Investigator

Deputy Chief Administrator – Chief Investigator

Date

Appendix A**Assigned Investigative Staff**

Squad#:	X
Investigator:	COPA Investigator B
Supervising Investigator:	COPA Supervising Investigator
Deputy Chief Administrator:	COPA Chief Investigator